

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RICHARD LEHMAN and MICHAEL  
PUTERBAUGH, on behalf of themselves and  
others similarly situated,

Plaintiff,

V.

WARNER NELSON; WILLIAM BECK, JR.,  
BRIAN BISH, KLAAS A. DeBOER;  
MICHAEL G. MARSH; ROCKY SHARP;  
RICHARD BAMBERGER; DENNIS CALLIES,  
CLIF DAVIS, TIM DONOVAN; HARRY  
THOMPSON; GARY YOUNGHANS; CLINT  
BRYSON; MICHAEL CHURCH; MICHAEL  
DOYLE; GREG ELDER; GLEN FRANZ;  
GARY GONZALES; CARL D. HANSON;  
PATRICK POWELL; GARY PRICE; SCOTT  
STEPHENS; ROGER TOBIN; and GRANT  
ZADOW, in their capacity as Trustees of the  
IBEW Pacific Coast Pension Plan.

## Defendants.

No. 2:13-cv-01835

## CLASS ACTION

**SECOND DECLARATION OF  
RICHARD J. BIRMINGHAM IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR ATTORNEYS' FEES  
AND COSTS, AND CLASS  
REPRESENTATIVE INCENTIVE  
AWARD**

I, RICHARD J. BIRMINGHAM, declare and state as follows:

1. I am a partner with the law firm Davis Wright Tremaine LLP, and lead counsel of record for the Class in the above-captioned action. I make this declaration based on personal knowledge and am competent to testify as to the matters herein.

2. My hourly rate for the Seattle market is \$665 per hour, based on my experience, expertise, and reputation. Based on a review of invoices sent to clients and accounts received, I

have confirmed that I have billed over 30 clients, and over 30 clients have paid, my \$665 per hour rate in 2018 for ERISA work.

3. I have caused a review of invoices and accounts received based on Joseph Hoag's and Christine Hawkins' legal work in 2018, and I am familiar with the results of that review. This review confirms that Mr. Hoag billed, and collected, \$460 or more per hour for legal work from more than 15 clients in 2018. Ms. Hawkins has likewise billed, and collected, \$385 or more per hour from over 35 clients in 2018.

4. Attached as **Exhibit A** hereto is a true and correct copy of Class Counsel's legal invoice for this matter, reflecting fees and costs incurred prosecuting the instant litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 30th, 2018, at Seattle, Washington.

/s/ Richard J. Birmingham  
Richard J. Birmingham

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2                   **CERTIFICATION OF SERVICE**  
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5                   I hereby declare under penalty of perjury under the laws of the State of Washington, that  
6 on May 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the  
7 CM/ECF system which will send notification of such filing to the following:  
8  
9

10                   Michael A. Urban, Esq.  
11                   Nathan R. Ring, Esq.  
12                   4270 S. Decatur Blvd., Ste. A-9  
13                   Las Vegas, NV 89103  
14                   (702) 968-8087  
15                   murban@theurbanlawfirm.com  
16                   nring@theurbanlawfirm.com  
17  
18

19                   DATED this 31st day of May, 2018.

20                   By /s/ Mandy Graves  
21                   Legal Secretary  
22  
23  
24  
25  
26  
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